

Applicant: Gary C. Folks
 Serial No.: 10/849,969
Group Art Unit: 3683

REMARKS

The present application was filed on May 20, 2004 with original claims 1-28. No new matter has been added. The claims remaining in consideration are claims 1-17. By this amendment claims 18-28 are cancelled without bias to reduce the number of issues before the Examiner. Claims 1, 8, and 15 are independent claims. Reconsideration is respectfully requested.

Claims 1-4, 6-11, and 14-17 were rejected under 35 USC § 102(b) as being anticipated by US patent 6,367,597 issued April 9, 2002 to Alexander Jan Carel De Vries et al ("De Vries"). This rejection is respectfully traversed.

Independent claim 1 sets forth a method for calibrating a brake mechanism. The brake mechanism includes an actuator having a motor and being controlled through rotations of the motor. The method includes the steps of initializing the brake mechanism, applying a predetermined power level to the actuator, establishing motor stall and responsively determining a reference motor position, and establishing a home motor position as a function of the second position and a predetermined constant. It should also be noted that the method operates to determine the home motor position while the predetermined power level is being applied to the brakes.

Independent claim 8 sets forth a brake mechanism which brake, an actuator, and a controller. The brake is operable to restrict movement of a vehicle. The actuator includes a motor and is coupled to the brake. The actuator is operable to selectively apply and release the brake. The brake mechanism operates in a manner similar to the method set forth in claim 1. Thus, the controller is coupled to the actuator and is operable to initialize the brake mechanism and to apply a predetermined power level to the actuator. The controller further is operable to establish motor stall and responsively determine a reference motor position, and to establish a home motor position as a function of the second position and a predetermined constant.

Independent claim 15 sets forth a program product for calibrating a brake mechanism. The program product operates in a manner similar to the method of independent claim 1.

De Vries discloses an electric actuator with a control sensor for use with a disc brake. The electric actuator includes a screw mechanism and an electric motor. A

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control unit uses signals from a position sensor to control the disc brake through linear movement of the actuator via the motor.

The Examiner states that De Vries et al teaches "a method for calibrating a brake mechanism having an actuator, the actuator having a motor and being controlled through rotations of the motor, comprising: initializing the brake mechanism; applying a predetermined power level to the actuator; establishing motor stall and responsively determining a reference motor position; and, establishing a home motor position as a function of the second position and a predetermined constant." (Page 2, section 2, of the present office action).

However, applicants respectfully assert that De Vries makes no such teaching. The Examiner cites column 2, lines 4-47 of De Vries which describes a "wear compensation option" in which a "pulse counter" is set to zero. The pulse counter is used to establish a distance of 0.2 mm between the brake pads and the brake disc. However, De Vries establishes this distance *while the brakes are being released*, and not while the brakes are being applied, as in the present invention.

Since De Vries does not include each and every limitation of independent claims 1, 8 and 15, the §102(b) rejection of claims 1, 8 and 15 is improper and must be withdrawn.

Claims 2-4, 6-7, 9-10 and 14; and 16-17 are dependent upon allowable claims 1, 8, and 15, respectively. Therefore, for the reasons set forth above, and based on their own merits, applicants respectfully assert that claims 2-4, 6-7, 9-10, 14, and 16-17 are also allowable.

Claims 5, 12, and 13 were rejected under 35 USC §103(a) as being unpatentable over De Vries in view of US Patent 6,003,640 issued December 21, 1999 to Mihai Ralea ("Ralea"). This rejection is respectfully traversed. Claim 5 is dependent upon allowable claim 1 and claims 12 and 13 are dependent upon allowable claim 8. Ralea does not overcome the deficiencies of De Vries. Thus, based on the reasons set forth above and based on their own merits, applicants respectfully assert that claims 5, 12, and 13 are also allowable.

All of the Examiner's rejections having been successfully traversed and/or made moot, applicants respectfully assert that the present application is now in condition for allowance. An early Notice of Allowance is solicited.

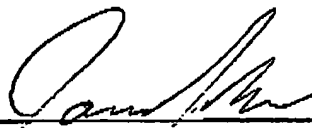
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Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789 in the name of Howard & Howard Attorneys, P.C.

Respectfully submitted

HOWARD & HOWARD ATTORNEYS, P.C.

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Date



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